

E-filed on: 11/24/2008

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CHING YUAN CHIEN,

Plaintiff,

v.

MICHAEL CHERTOFF, Secretary,  
Department of Homeland Security, et. al.,

Defendant.

No. C-08-03631 RMW

SCHEDULING ORDER

[Re Docket No. 17]

On October 27, 2008, the court ordered the parties to meet and confer to select a date for a case management conference. Docket No. 13. The court's order contemplated setting a briefing schedule on the plaintiff's motion (and any future cross-motion) at that time. The parties agreed to have a case management conference on January 16, 2009. Plaintiff has now filed an *ex parte* application to schedule a hearing on the motion for summary judgment before January 16.

It appears that all counsel are available January 16, 2009. Plaintiff's motion for summary judgment will therefore be heard on that date at 9:00 a.m. Any opposition and cross-motion from the government is due December 12. Any reply from Plaintiff is due January 2, 2009.

DATED: 11/20/2008



RONALD M. WHYTE  
United States District Judge

**Notice of this document has been electronically sent to:**

**Counsel for Plaintiff:**

Tracy Lee Wood                      tracyleewood@yahoo.com  
Vivian Lu                              admin@attorneylu.com

**Counsel for Defendant:**

Melanie Lea Proctor                      Melanie.Proctor@usdoj.gov

Counsel are responsible for distributing copies of this document to co-counsel that have not registered for e-filing under the court's CM/ECF program.

**Dated:** 11/24/2008 TSF  
**Chambers of Judge Whyte**